

Remarks

Claims 1-25 are pending in this application. Claims 1, 2, 9, and 25 have been amended in various particulars as indicated hereinabove.

Claims 1-5, 7, 9-17, 19, and 21-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Schaar (US Patent Publication 2003/0135863 A1) in view of Feuerstraeter *et al.* (U.S. Patent Publication 2003/0123393 A1). This rejection is respectfully traversed for the following reasons.

Each of the claims has been amended to describe how the content is sent from a content provider to a destination through a transmission device. It is this intervening transmission device that receives the indication of predetermined transport parameters and then transmits the content transmission in the network in accordance with the transport parameters to the destination.

The pending Office Action at page 3 agrees that Van Der Schaar does not disclose any of the step of receiving the indication of the predetermined transport parameters. It argues that Feuerstraeter teaches this functionality, however.

Feuerstraeter describes system in which two computing elements negotiate as to a flow control priority level for the transmission of data directly between the two devices. It thus contemplates a two-tiered system.

The claims have been amended describe a three-tiered system in which the intervening transmission device receives the indication of predetermined transport parameters and then forwards on the content from the provider to the destination based on the indication.

The claimed topology makes the invention relevant to systems in which the network itself enforces and executes the transmission based on the transport parameters. Thus, the system can be used by service providers to offer different levels of service for different content and different subscribers, for example.

In short, neither of the applied references shows or suggests a transmission device transmitting the second part of the content transmission in the network in accordance with the transport parameters to the destination, where those transport parameters were received from the content provider.

It is believed that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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